

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANDREW DOE, )  
                  )  
Plaintiff,     )               8:04CV357  
                  )  
v.              )  
                  )  
THERMAL SERVICES, INC., )               MEMORANDUM AND ORDER  
                  )  
Defendant.     )  
                  )

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A telephone conference was held with the court and counsel on April 15, 2005 concerning compliance with the court's protective order. Representing plaintiff was Mr. Aaron Clark; representing defendant was Ms. Rachel Alexander. It was learned that some people connected in some way with the defendant have been told the plaintiff's identity. During the conference each of the disclosures was discussed, and after hearing from counsel on all issues raised, I made the order which appears below.

IT THEREFORE HEREBY IS ORDERED:

1. Defendant's counsel shall, by April 29, 2005,
  - (a) Personally discuss with each person to whom the plaintiff's identity has been made known: the source of the information and the circumstances surrounding the disclosure, whether that person has disclosed the information to any other person, and if so, to whom and the circumstances surrounding the disclosure, in which case counsel shall also personally discuss these subjects with such person(s);
  - (b) Thoroughly discuss with each such person the importance of the protective orders previously entered in this case;
  - (c) Obtain each such person's affidavit setting out the above information and also swearing or affirming to abide by the protective orders in all respects;

(d) Deliver copies of such affidavits to counsel for plaintiff and to the undersigned, in camera. Plaintiff's counsel shall not disclose the affidavits or their contents to any person other than plaintiff.

2. At the conclusion of the actions described in Paragraph 1 above, counsel shall confer regarding the taking of the depositions of some or all of the persons who signed affidavits. In the event there is no agreement, that matter may be brought before me by requesting a telephone conference or by filing an appropriate motion.

DATED this 27<sup>th</sup> day of April, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge